

Ruling may clear way for removal of asbestos debris

By JOHN HILL
Journal-Bulletin Staff Writer

A state hearing officer has dismissed the City of Warwick's challenge to a plan to bury about 7,000 cubic yards of asbestos-contaminated debris from Johnston in an old landfill at Green State Airport.

But Warwick Mayor Charles J. Donovan vowed to continue his city's opposition by filing a lawsuit in Superior Court.

Warwick argued that the state Department of Environmental Management erred in granting the state Department of Transportation permission to use the fill — which has been sitting in a Johnston demolition yard for more than a year — in Warwick. The city said the DEM approval was arbitrary, violated the constitution and state law and did

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not give sufficient notice to affected parties.

But hearing officer Joseph Baffoni ruled that Warwick did not have the standing to dispute the decision by DEM to approve the DOT proposal.

"Warwick's allegations and arguments fail to demonstrate an injury in fact from the challenged action," he wrote.

Even if the questions in dispute were decided in Warwick's favor, Baffoni said, "Warwick would not be entitled to any relief under any conceivable set of facts which might be proven in support of its claims."

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Donovan said he was not surprised by Baffoni's decision and said the city would contest it.

"We anticipated that might be the case," Donovan said, "that he would support the (DEM) director's decision. We anticipated taking the issue to Superior Court."

Johnston Mayor Ralph R. aRusso said he was pleased with Baffoni's decision and called on DEM and DOT to implement it as soon as possible. As mayor of the town that takes in most of the state's trash, aRusso said he had little sympathy for Warwick's complaints about 7,000 cubic yards of rubble:

"I've sued DEM to get things, that's (Mayor Donovan's) right," aRusso said. "But when did he ever come to my defense?"

"The people in that neighborhood (in Johnston) won't be satisfied until (the debris) is gone," he said. "It has to be taken away."

Stephen O'Rourke, executive director of the Providence Housing Authority, said he would push the DOT to start work immediately on filling the old airport dump to beat Warwick's court effort. He said he was also concerned that if the DOT waited too long, cold weather

would delay the job until next spring.

DOT officials could not be reached for comment.

The 7,000 cubic yards of debris the DOT wants to use is rubble from the demolition of the Hartford Park housing complex in Providence during the spring of 1990.

The fill would be used to help cover over an abandoned landfill on the Green Airport property, something the state Department of Environmental Management ordered DOT to do in 1988.

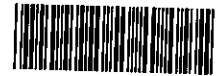
The hitch is that within that 7,000 cubic yards in Johnston and another similar pile of rubble in Providence are about two cubic yards of asbestos insulation.

The asbestos — from a thick layer of paint in one of the buildings — was not discovered until after demolition of the building was under way and the first half of it had been dumped on the property of Bil-Ray Demolition in Johnston.

Federal law requires that asbestos debris be disposed of in specific ways, and the most favored is burial. At first the Providence Housing Authority, which owns the material because it came from an authority

building, tried to dump it at the Central Landfill, but landfill officials balked because of the asbestos content.

DOT proposed and DEM approved using the fill to cover the airport landfill in May, saying as long as it was buried it was a proper use of the material.



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